

FILED
CHARLOTTE, N. C.

UNITED STATES DISTRICT COURT

NOV 30 2006

for the

Western District of North Carolina

**U. S. DISTRICT COURT
W. DIST. OF N. C.**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
Probation Form 49, Waiver of Hearing is Attached**

Name of Offender: John Marshall SAWYER

Case Number: 3:02CR155-01

Name of Sentencing Judicial Officer: The Honorable Richard L. Voorhees
U.S. District Judge

Date of Original Sentence: 10/16/02 Register Number: 17545-058 PACTS Number: 10900

Original Offense: Using Interstate Commerce Facilities to Coerce and Entice a Minor to Engage
in Criminal Sexual Activity(18:2422(b)); Interstate Travel for the Purpose of
Engaging in a Sexual Act with a Juvenile(18:2423(b)) Class C Felonies

Original Sentence: 27 months imprisonment, 3 years supervised release with sex offender
conditions

Type of Supervision: Supervised Release

Date Supervision Commenced: 3/10/05

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total of years.
☒ To modify the conditions of supervision as follows:

"The defendant shall submit to home detention, with electronic monitoring or other location verification system, for a period of 6 months at the direction of the U.S. Probation Officer. During this time, the defendant shall remain at his/her residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without any "call forwarding," "caller ID," "call waiting," modems, answering machines, cordless telephones or other special services for the above period. The defendant may be required to wear an electronic device or submit to another location verification system and shall observe the rules specified by the Probation Officer."

The defendant will be responsible for the cost of home confinement with electronic monitoring or other location verification system pursuant to the probation office's self-pay policies.

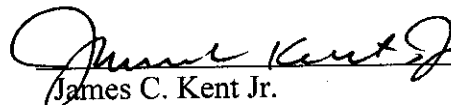
CAUSE

The defendant was searched recently and found in possession of a laptop computer. The computer was forensically searched and did not contain any illegal information. However, since this defendant is not to use a computer without permission, he violated this condition of supervision. He has been informed of his rights under Rule 32.1(c) and has agreed to this modification as evidenced by the attached Probation 49.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

by

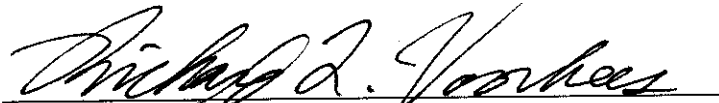


James C. Kent Jr.
Senior U.S. Probation Officer
(704) 350-7646
Date: 11/21/06

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

11-28-06
Date


Signature of Judicial Officer

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF NORTH CAROLINA

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

"The defendant shall submit to home detention, with electronic monitoring or other location verification system, for a period of 6 months at the direction of the U.S. Probation Officer. During this time, the defendant shall remain at his/her residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without any "call forwarding," "caller ID," "call waiting," modems, answering machines, cordless telephones or other special services for the above period. The defendant may be required to wear an electronic device or submit to another location verification system and shall observe the rules specified by the Probation Officer."

"The defendant will be responsible for the cost of home confinement with electronic monitoring or other location verification system pursuant to the probation office's self-pay policies."

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

11-9-06

Date